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09/961,424	09/25/2001	Mitsuru Yamamoto	00862.022388.	6884

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FITZPATRICK CELLA HARPER & SCINTO  
1290 Avenue of the Americas  
NEW YORK, NY 10104-3800

EXAMINER
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RUSTEMEYER, BRETT J

ART UNIT	PAPER NUMBER
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2426

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04/25/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/961,424	<b>Applicant(s)</b> YAMAMOTO, MITSURU	
	<b>Examiner</b> BRETT RUSTEMEYER	<b>Art Unit</b> 2426	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02/10/2011 (Applicants' Submission).
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 38 and 43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 38 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input checked="" type="checkbox"/> <del>Notice of Draftsperson's Potential Drawing Review (PTO-942)</del><br>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date _____.<br>5) <input type="checkbox"/> Notice of Informal Patent Application<br>6) <input type="checkbox"/> Other: _____. |
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### DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered September 22, 2010 for the patent application, 09/961,424, filed September 25, 2001.
2. The Office Action of November 10, 2010 is fully incorporated into this Office action by reference.

### Status of Claims

3. Claims 38 and 43 are pending.

### Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Final Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in **Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)**, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows: (**See MPEP Ch. 2141**)

- a. Determining the scope and contents of the prior art;
- b. Ascertaining the differences between the prior art and the claims in issue;
- c. Resolving the level of ordinary skill in the pertinent art; and
- d. Evaluating evidence of secondary considerations for indicating obviousness or nonobviousness.

5. Claims 38 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,574,798 B1 (published Jun. 3, 2003) (hereinafter “**Bradley**”) in view of U.S. Patent No. 5,497,186 (published Mar. 5, 1996) (hereinafter “**Kawasaki**”).

Examiner's Note (EN): The combined teaching of **Bradley** and **Kawasaki** applies with specific sections identified as follows. 12 ¶ applies.

**Regarding claim 38,**

**Bradley** reads on (in italics):

A video server which is connected to a plurality of control terminals, and which is connected to a plurality of display terminals {**Bradley**, FIGS. 2, 6, C 6: L 16-23, 28-31, 54 – C 7: L 5, C 14: L 32-40; EN: wherein the global authorization computer (GAC) corresponds to the claimed “video server” as the GAC it “administers the video system,” the telephones at the customer locations (e.g., hotel rooms) correspond to the claimed “plurality of control terminals”; and the television sets at the customer locations correspond to the claimed “plurality of display terminals”}, the video server comprising:

a first reception unit configured to received a video request from a first one of the plurality of control terminals, wherein the video request comprises video designation data designating video data to be displayed on a display terminal, display terminal designation data designating a first display terminal on which the video data is to be displayed, and first identification data identifying the first control terminal that transmitted the video request {**Bradley**, FIGS. 2, 7a, C 15: L 59 – C 17: L 4, 22-26; EN: wherein the interactive voice response (IVR) interface corresponds to the claimed “first reception unit”; a first telephone at a first customer location corresponds to the claimed “first one of the plurality of control

terminals”; the IVR entries comprising: (i) the pay-for-use selection, (ii) pre-assigned television number, and (iii) the telephone number of the first customer location (e.g., room) entered on a keypad of the first telephone correspond to the claimed “video request”; the pay-for-use selection indicating desired video signals, optional services, and/or lengths of time correspond to the claimed “video designation data”; the pre-assigned television number corresponds to the claimed “display terminal designation data”; and the telephone number of the first customer location (e.g., room) entered on the keypad corresponds to the claimed “first identification data”;

a generating unit configured to generate a first character string for confirming the first display terminal by a user of the first control terminal (**Bradley**, FIGS. 2, 7b, C 17: L 46-52; EN: wherein elements of the GAC used to generate (i.e., retrieve from memory) automated voice prompts/instructions correspond to the claimed “generating unit”; and data representative of automated voice prompts/instructions (e.g., “tune to the authorized pay-for-use channel and confirm its correct operation by entering the appropriate code on your telephone keypad”) correspond to the claimed “first character string”);

a confirmation data transmission unit configured to transmit the first character string generated by said generating unit to the [first control terminal corresponding to] the first display terminal designated by the display terminal designation data, and to cause \*\*\* [the first control terminal to output] the first character string (**Bradley**, FIGS. 2, 7b, C 17: L 46-52; EN: wherein elements of the GAC used to transmit the automated voice prompts/instructions (See above) through the IVR system for output at the first telephone of the first customer location correspond to the claimed limitation});

a confirmation data reception unit configured to

receive a second character string from the first control terminal which transmitted the video request received by the first reception unit, wherein the second character string is input in the first control terminal by a user confirming the first character string [output on the first control terminal corresponding to] the first display terminal {**Bradley**, FIGS. 2, 7b, C 17: L 46-52, 66 – C 18: L 3; EN: wherein elements of the GAC used to received the appropriate code entered by the user on the keypad of the first telephone (See above) at the first customer location in response to the received automated voice prompt/instructions (See above) correspond to the claimed “confirmation data reception unit”; and data representative of the appropriate code entered by the user on the keypad of the first telephone at the first customer location in response to the received automated voice prompt/instructions (See above) corresponds to the claimed “second character string”}, and

to receive second identification data of the first control terminal that transmitted the second character string {**Bradley**, FIGS. 2, 7b, C 17: L 46-52, 66 – C 18: L 3, 41-45; EN: wherein entering the appropriate code on the keypad of the first telephone (See above) at the first customer location in response to the received automated voice prompt/instructions (See above) within a certain time period (i.e., a time-out value) corresponds to the claimed “second identification data.”};

a confirmation unit configured to

a) compare the first identification data of the first control terminal that transmitted the video request with the second identification data of the first control terminal that transmitted the second character string (**Bradley**, FIGS. 2, 7b, C 17: L 46-52, 66 – C 18: L 3, 41-45; EN: wherein elements of the GAC used to lookup and examine timeout values of active IVR calls compare a call having the telephone number input by the user through the keypad of the first telephone with its present time-out value to determine whether or not to terminate the call, corresponds to the claimed limitation),

b) to compare the first character string transmitted to [the first control terminal corresponding to] the first display terminal with the second character string received from the first control terminal (**Bradley**, FIGS. 2, 7b, C 17: L 46-52, 66 – C 18: L 3; EN: wherein elements of the GAC used to determine the user entered the appropriate code on the keypad of the first telephone correspond to the claimed limitation); and

c) to confirm that the user of the first control terminal has designated the correct display terminal as an output destination of the video data and that the user has not designated a wrong display terminal as the destination of the video data, according to a comparison result of the comparison a) and the comparison b) (**Bradley**, FIGS. 2, 7b, C 17: L 46-52, 66 – C 18: L 3, 41-45; EN: wherein determining not to terminate the call because the user at the first customer location entered the appropriate code in response to the received automated voice

prompt/instructions (See above) within a certain time period (i.e., a time-out value) confirms a correct designation of the first television set}); and

a video data transmission unit configured to transmit the video data designated by the video designation data to the first display terminal designated by the display terminal designation data, to display the video data (**Bradley**, FIGS. 2, 6, 7c, C 14: L 32-46, C 18: L 16-22), if the video server confirms that the user of the first control terminal has correctly designated the first display terminal according to a confirmation result of the confirmation of c) {**Bradley**, FIGS. 2, 7b, C 17: L 46-52, 66 – C 18: L 3, 41-45; EN: wherein determining not to terminate the call because the user at the first customer location entered the appropriate code in response to the received automated voice prompt/instructions (See above) within a certain time period (i.e., a time-out value) confirms a correct designation of the first television set corresponds to the claimed limitation}.

**Bradley** is silent on:

a confirmation data transmission unit configured to transmit the first character string \*\*\* to the first display terminal \*\*\* and to cause the first display terminal to display the first character string

**Kawasaki** reads on:

a confirmation data transmission unit configured to transmit \*\*\* [a] character string \*\*\* to the first display terminal \*\*\* and to cause \*\*\* [a] first display terminal to display the \*\*\* character string (**Kawasaki**, FIG. 2, C 1: L 7-10, 22-40, C 2: L 45 – C 3: L 28; EN: wherein the communication controller reads on the confirmation data transmission unit);



**Rationale:**

**Bradley** discloses transmitting automated voice prompts or instructions from a server to a user's telephone. **Kawasaki** discloses transmitting character messages from a server to a user's video terminal apparatus. Because both **Bradley** and **Kawasaki** disclose systems and methods for transmitting messages for use with television distribution systems, it would have been obvious to one ordinarily skilled in the art to substitute of one method for the other to achieve the predictable result of displaying automated prompts or instructions as character messages on a television set; thereby enabling a hearing impaired user to readily confirm the steps required to order a pay-for-use video selection using a telephone and television located at the customer location.

**Regarding claim 43**, the method is inherent of the system and its claimed functionality.

**Response to Arguments**

6. Applicants' amendment to the claims documented in the Applicants' submission pertaining to the objection to claims 38 and 43 has been fully considered and is persuasive. The objection to claims 38 and 43 set forth in the previous Office action is herein removed.

7. Applicants' amendment to the claims documented in the Applicants' submission pertaining to the 35 U.S.C. § 112-Second Paragraph rejection of claims 38 and 43 has been fully considered and is persuasive. The 35 U.S.C. § 112-Second Paragraph rejection of claims 38 and 43 set forth in the previous Office action is herein removed.

8. Applicants' arguments and remarks documented in the Applicant's submission pertaining to the 35 U.S.C. § 103(a) rejection of claims 38 and 43 have been considered, but are moot in view of the new ground(s) of rejection.

**In reference to the Applicants' argument(s):**

"This application has been carefully reviewed in light of the Office Action dated November 10, 2010. Claims 38 and 43, each of which are independent, remain in the application. Reconsideration and further examination are respectfully requested.

\*\*\*

Claim 38 was objected to for an informality that is believed to be obviated by the amendments to the claims. Reconsideration and withdrawal of the objection are respectfully requested.

Claims 38 and 43 were also rejected under 35 U.S.C. § 112, second paragraph. The point noted in the Office Action is also believed to be obviated by the amendments to the claims. Reconsideration and withdrawal of the § 112 rejection are respectfully requested.

Claims 38 and 43 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,574,798 (Bradley) in view of U.S. Patent No. 5,497,186 (Kawasaki). Reconsideration and withdrawal of the rejections are respectfully requested in light of the following comments.

\*\*\*

The applied art, alone or in any permissible combination, is not seen to disclose or to suggest the features of the video server of Claims 38 and 43. In particular, the applied art is not seen to disclose or to suggest at least the features of a video server i) generating a first character string for confirming the first display terminal by a user of the first control terminal, ii) transmitting the first character string to the first display terminal designated by the display terminal designation data, and causing the first display terminal to display the first character string, iii) receiving a second character string from the first control terminal which transmitted the video request, wherein the second character string is input in the first control terminal by a user confirming the first character string displayed on the first display terminal, and receiving second identification data of the first control terminal that transmitted the second character string, iv), a) comparing the first identification data of the first control terminal that transmitted the video request with the second identification data of the first control terminal that transmitted the second character string, b) comparing the first character string transmitted to the first display terminal, with the second character string received from the first control terminal, and c) confirming that the user of the first control terminal has designated the correct display terminal as an output destination of the video data and that the user has not designated a wrong display terminal as the destination of the video data, according to a comparison result of the comparison a) and the comparison b), and v) transmitting the video data designated by the video designation data to the first display terminal designated by the display terminal designation data, to display the video data, if the video server confirms

that the user of the first control terminal has correctly designated the first display terminal according to a confirmation result of the confirmation c).

Bradley discloses a video delivering system which displays a channel desired by a user on a display device in a room desired by the user. The system has an arrangement that provides for confirming that the room number and channel number entered by the user is correct by referring to a database. In the system of Bradley, a viewer dials the telephone number of a global authorization computer (GAC), which prompts the viewer via the phone for their room number or a pre-assigned television number. The viewer inputs the room number or TV number into the phone, and the GAC, upon receiving the room number or pre-assigned television number, prompts the viewer for the pay-for-use selection. At this point, the viewer enters the information of the video they want to watch and the GAC performs various confirmation processes regarding pre-viewing the content, payment, etc. and then the video is provided to the viewer. This system of Bradley is fundamentally different from the video server of the claims.

In this regard, in the claims, the video server receives a video request from the first control terminal, where the request that includes video designation data, display terminal designation data and an ID of the first control terminal. In Bradley, the viewer calls the GAC, which may use caller-ID to identify the telephone number of the phone. However, this call does not designate the display terminal or the video data. Rather, the GAC prompts the viewer to input the room number or pre-assigned television number into the phone. **That is, the GAC does not generate a first character string (e.g., the pre-assigned television number) and transmit it to the phone so that it can be displayed on the television for the viewer to then view it and input it into the phone.** In fact, it appears in Bradley that the television interface portion of the system is only activated to display the pre-view after it is confirmed that room number or pre-assigned television number is in the database of the GAC. **Therefore, the claimed first reception unit/step, generating unit/step, and confirmation data transmission unit/step of the claims is not taught by Bradley.**

Additionally, **while the viewer of Bradley may input the room number or pre-assigned television number into the phone, this is not a second character string** that is input by the user confirming the first character string displayed by the first display terminal (television) since the first character string is not sent to the TV to be displayed and the television is not displaying the first character string as discussed above.

Further, the claimed confirmation unit/step is not seen to be taught by Bradley. Here, the claims compare the first ID data of the control terminal (which would presumably correspond to the caller-ID of the phone of Bradley initially used to identify the telephone) with a second ID of the first control terminal transmitted with the second character string. This is because, in Bradley, when the user is prompted to input the room number or pre-assigned television number, and they do input it into the phone, the phone does not also transmit the claimed second identification data. **Thus, there is no second identification data in Bradley** to compare with the caller-ID (first identification data). Rather, Bradley merely uses the caller-ID and room number/pre-assigned television number to look up in the database whether or not the room/television is one that is authorized to use the pay-for-use system. **Accordingly, Bradley is not seen to teach the claimed confirmation unit/step.**

Kawasaki is not seen to make up for the foregoing deficiencies of Bradley. In this regard, Kawasaki is seen to disclose an arrangement for alerting a user to the arrival of a message from a CATV center by a LED flashing, and changing a channel upon pressing a confirmation button of a CATV terminal or of a remote control box. Thus, Kawasaki

merely teaches transmitting a signal and confirming the signal by pressing the button. Nothing has been found in **Kawasaki**, however, that, when combined with **Bradley**, would have resulted in the foregoing features of the claims.

In view of the foregoing amendments and remarks, Claims 38 and 43 are believed to be allowable.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience. \*\*\* "

### **Examiner's Response:**

¶ 14 below applies. Applicants' representatives contest **Bradley** or **Kawasaki**, alone or in any permissible combination, fails to teach, suggest or disclose the claimed "first character string," "second character string," and "second identification data." Applicants' are directed to new and revised citations of the **Bradley** reference.

First, data representative of automated voice prompts/instructions requesting the user to "tune to the authorized pay-for-use channel and confirm its correct operation by entering the appropriate code on your telephone keypad," which are generated and transmitted by elements of the GAC to the telephone of the first customer location as cited herein correspond to the claimed "first character string". See **Bradley**, FIGS. 2, 7b, C 17: L 46-52. Examiner acknowledges that none of the disclosed automated voice prompts/instructions are displayed on the television set of the first customer location in **Bradley**. However, in this regard Examiner relies upon **Kawasaki**, as cited herein, to teach the technique of transmitting message commands comprising announcement picture data in the form of a character strings through a hotel video distribution system for display on a particular terminal address. See **Kawasaki**, FIG. 2, C 1: L 22-40, C 2: L 45 – C 3: L 28.

Second, the data representative of the appropriate code entered by the user on the keypad of the first telephone at the first customer location in response to the received automated voice prompt/instructions requesting the user to “tune to the authorized pay-for-use channel and confirm its correct operation by entering the appropriate code on your telephone keypad,” corresponds to the claimed “second character string.” See **Bradley**, FIGS. 2, 7b, C 17: L 46-52, 66 – C 18: L 3.

Third, entering the appropriate code within a certain time period (i.e., a time-out value) corresponds to the claimed “second identification data.” See **Bradley**, FIGS. 2, 7b, C 17: L 46-52, 66 – C 18: L 3, 41-45.

In addition to the rationale cited at the top of page eight of the instant action, one of ordinary skill in the art would have recognized that displaying a message for user confirmation is generally preferable to a user trying to understand and confirm a computer generated audio message. Using this knowledge, the respective functionality of the GAC, local video source, and television control interface of **Bradley** can readily be improved upon by incorporating the respective functionality of control computer, communication controller, and user terminal apparatus of **Kawasaki** in the transmission of server messages to a user. Thus, the combined teaching enables the GAC to transmit one or more visual prompts to the user via the local distribution network to a television for display in a particular customer location to enable a user to readily confirm one or more selections input through the telephone located in the customer location. For reasons set forth in this Office Action, Examiner respectfully submits this 35 U.S.C. § 103(a) rejection of claims 38 and 43 in light of Applicants’ arguments.

### **Examination Considerations**

9. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure." *In re Morris*, 127 F.3d 1048, 1054-1055, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). "Limitations appearing in the specification but not recited in the claim are not read into the claim." *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969) (MPEP p 2100-8, C 2: L 45-48; p 2100-9, C 1: L 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

10. Examiner's Notes are provided with the cited references to prior art to assist the Applicant(s) to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art which may be applied in future Office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art, but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

11. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

12. Examiner's Opinion: ¶ 9-11 apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

### **Conclusion**

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this Final Office Action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

14. Claims 38 and 43 are rejected.

### **Contact**

15. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Brett Rustemeyer whose telephone number is (571) 270-1849. The Examiner can normally be reached on Monday - Friday 9:00 a.m.-5:30 p.m. EST.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B.R./

Examiner, Art Unit 2426

April 18, 2011

/Joseph P. Hirl/

Supervisory Patent Examiner, Art Unit 2426

April 19, 2011